

A U S T I N C I T Y C O U N C I L

**AGENDA**

Thursday, September 28, 2006

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**Zoning and Neighborhood Plan Amendments  
 (Public Hearings and Possible Action)  
 RECOMMENDATION FOR COUNCIL ACTION**

ITEM No. 94

**Subject:** C14-06-0153 - Austin First Church - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1203 Bastrop Highway (Carson Creek Watershed) from interim-rural residence (I-RR) district zoning; interim-single-family residence-standard lot (I-SF-2) district zoning, and general commercial services (CS) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: United Pentecostal Church of Jesus Christ (Pastor Charles Stephens). Agent: Clark, Thomas & Winters APC (Kelly Cannon). City Staff: Wendy Walsh, 974-7719.

**Additional Backup  
 Material**

(click to open)

- Staff Report
- Ordinance

**For More Information:** Wendy Walsh, 974-7719.

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-06-0153

**Z.A.P. DATE:** August 15, 2006

**ADDRESS:** 1203 Bastrop Highway

**OWNER:** United Pentecostal Church of  
Jesus Christ (Pastor Charles Stephens)

**AGENT:** Clark, Thomas & Winters APC  
(Kelly Cannon)

**ZONING FROM:** I-RR; I-SF-2; CS

**TO:** CS

**AREA:** 6.322 acres

### **SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant general commercial services – conditional overlay (CS-CO) combining district zoning. The Conditional Overlay limits the number of daily trips to 2,000.

### **ZONING & PLATTING COMMISSION RECOMMENDATION:**

August 15, 2006: *APPROVED STAFF'S RECOMMENDATION FOR CS-CO DISTRICT ZONING; BY CONSENT.*

*[J. MARTINEZ, J. PINNELLI 2<sup>ND</sup>] (8-0) K. JACKSON – ABSENT*

### **ISSUES:**

None at this time.

### **DEPARTMENT COMMENTS:**

The subject tract is developed with a religious assembly use and zoned general commercial services (CS) district along the Old Bastrop Highway frontage and interim – rural residence (I-RR) district and interim – single family residence standard lot (I-SF-2) on the remainder. The tract takes access to Old Bastrop Highway, which is classified as a collector street. The tract is also in close proximity to the US Highway 183 / SH 71 interchange. There is undeveloped property to the east and north, and a construction sales and services use, an adult lounge and an auto repair business to the northwest along Old Bastrop Highway. The property is also located within Airport Overlay Zones 2 and 3 (AO-2 consists of the portions of the controlled compatible land use area that have a yearly day-night average sound level of at least 65 DNL decibels and not more than 70 DNL decibels; AO-3 is also known as the ½ mile buffer zone). Neither allow for new residential development to occur. Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant proposes general commercial services (CS) district zoning for unspecified commercial uses. Staff recommends CS-CO district zoning given its proximity to two state highways, location within the airport overlay zones, adjacent and compatible zoning and uses. The Conditional Overlay limits development to less than 2,000 vehicle trips per day.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	I-RR; I-SF-2; CS	Church
<i>North</i>	CH-CO	Undeveloped – proposed for commercial, retail and warehouse uses
<i>South</i>	CS; SF-3	TXDoT right-of-way for SH71 / US 183
<i>East</i>	CH-CO	Undeveloped – proposed for commercial, retail and warehouse uses
<i>West</i>	CS; I-SF-2; I-RR	Construction sales and services; Adult lounge; Auto repair business

**AREA STUDY:** N/A**TIA:** Is not required**WATERSHED:** Carson Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**SCENIC ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

511 – Austin Neighborhoods Council

742 – Austin Independent School District

750 – Del Valle Neighborhood Association

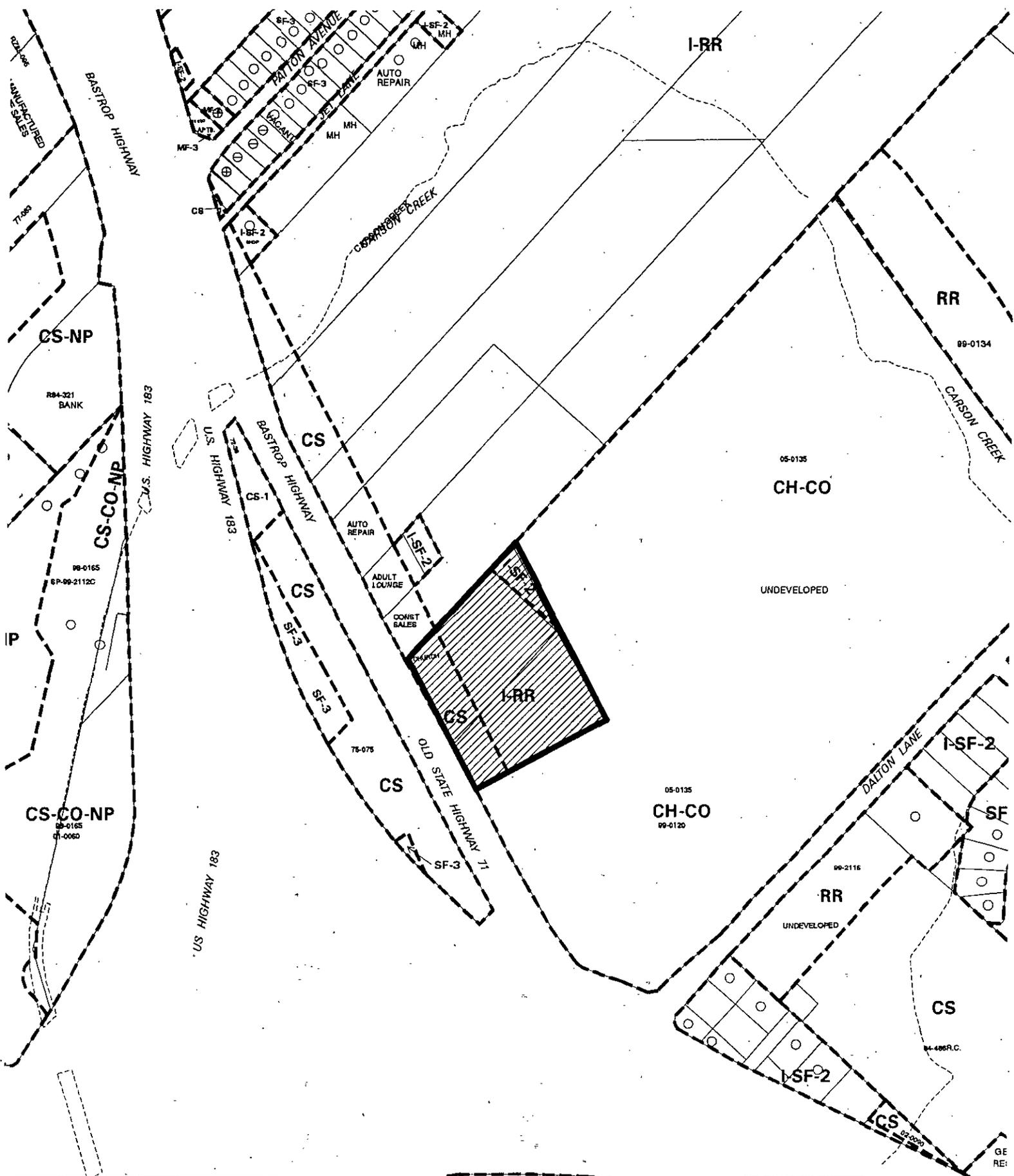
**SCHOOLS:**

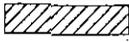
Del Valle ISD – Elementary School; Middle School; and High School

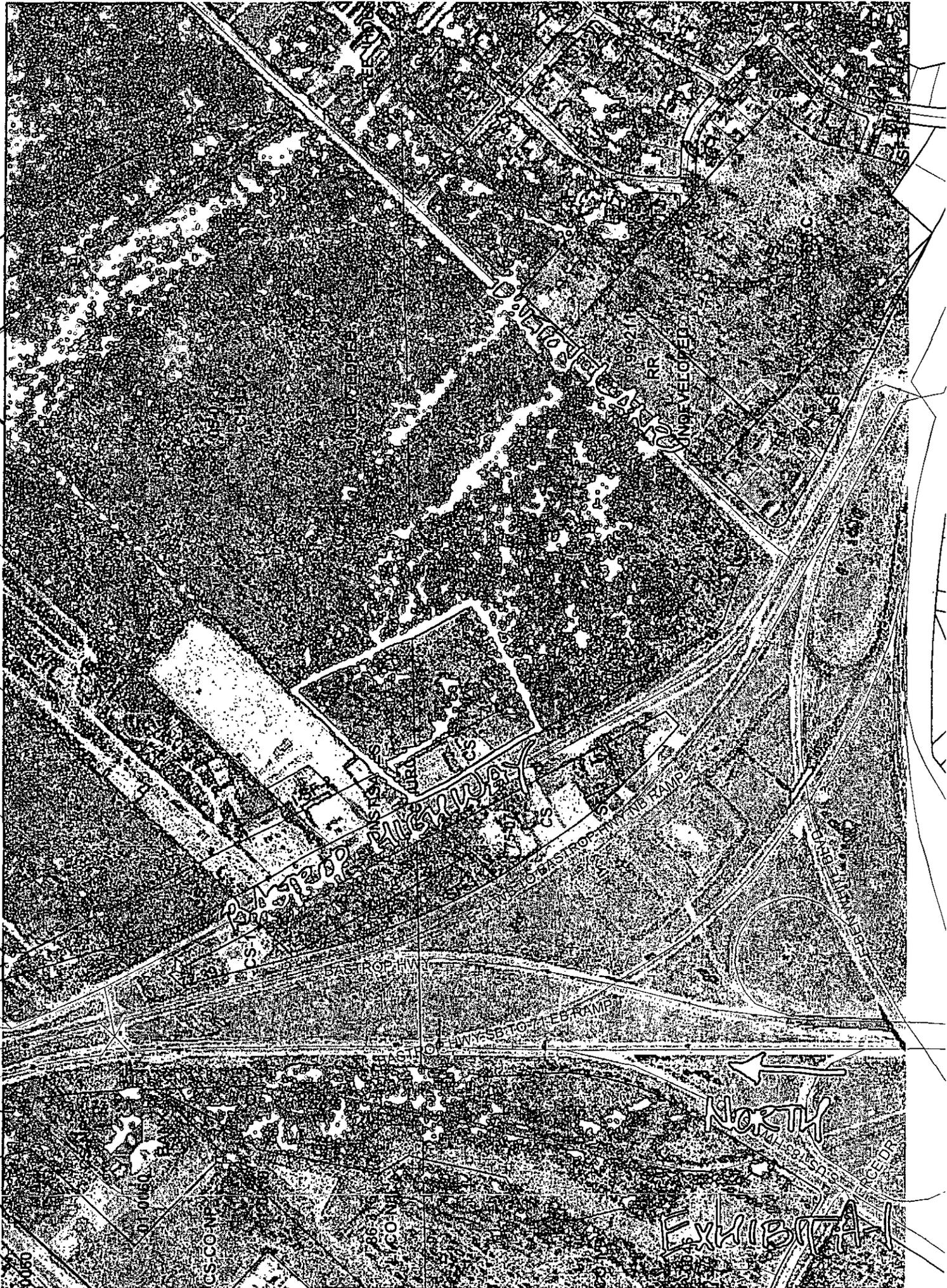
**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-05-0135 – Highway 183 / Highway 71 / Ben White	I-RR; CS to CH	To Grant CH-CO with the CO prohibiting residential uses, and limiting height to 90 feet and a Restrictive Covenant for the Traffic Impact Analysis.	Approved CH-CO with Restrictive Covenant as recommended by the Commission (12-15-05).
C14-99-2116 (City – initiated)	I-RR to RR	To Grant RR	Approved RR (9-7-00).
C14-99-0134	I-RR to RR for Tract 1 and LI for Tract 2	To Grant LI and to prohibit auto-related uses.	Approved RR for Tract 1 and LI-CO for Tract 2 with the CO for 2,000 trips and prohibiting auto-related uses; adult-





 1" = 400'	SUBJECT TRACT: 	<b>ZONING</b> <i>Exhibit A</i>	<b>CITY GRID REFERENCE NUMBER</b> M19	
	PENDING CASE: 			<b>CASE #:</b> C14-06-0153
	<b>ZONING BOUNDARY</b> : 			<b>ADDRESS:</b> 1203 BASTROP HWY
	<b>CASE MGR:</b> W.WALSH			<b>DATE:</b> 06-07
				<b>INTLS:</b> SM



**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant general commercial services – conditional overlay (CS-CO) combining district zoning. The Conditional Overlay limits the number of daily trips to 2,000.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

*1. The proposed zoning should be consistent with the purpose statement of the district sought.*

The general commercial services (CS) district is intended predominantly for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments. The CS district is best suited for uses located at intersections of arterial roadways or arterials with collector status. The intention is to promote safe and efficient use of transportation facilities.

*2. Zoning changes should promote compatibility with adjacent and nearby uses.*

The Applicant proposes general commercial services (CS) district zoning for unspecified commercial uses. Staff recommends CS-CO district zoning given its proximity to two state highways, location within the airport overlay zones, adjacent and compatible zoning and uses. The Conditional Overlay limits development to less than 2,000 vehicle trips per day.

**EXISTING CONDITIONS****Site Characteristics**

The site is undeveloped and there appear to be no significant topographical constraints on the site.

**Impervious Cover**

The maximum impervious cover allowed by the CS zoning district would be 90% which is a consistent figure between the watershed and zoning regulations.

**Environmental**

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Carson Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

### **Transportation**

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 20,586 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

### **Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at his own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, utility adjustments, and utility relocation. Also, the associate utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design

criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay the associated and applicable City fees.

**Compatibility Standards**

This site is within the Airport Overlay Zone AO-2 zone. Development on this property is limited by Chapter 25-13 of the Austin City Code. Airport hazards as defined in Federal Aviation Regulations Part 77, as adopted by the City in Section 25-13-23, are prohibited. Noise level reduction measures may be required for certain new structures. For more information, contact Joe Medici, Airport Planner, 530-6563.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

**Case Number:** C14-06-0153

**Contact:** Wendy Walsh, (512) 974-7719

**Public Hearing:**

August 15, 2006 Zoning and Platting Commission

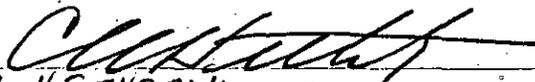
JHX2/LAMPTING JOINT VENTURE (C.W. HETHERLY)

I am in favor  
 I object

Your Name (please print)

1200 - 1324 DALTON LANE; 1301 BASTROP HWY SERVICE RD.

Your address(es) affected by this application

  
C.W. HETHERLY Signature

8/10/06

Date

Comments: Considering the current zoning, the current land use and the existing traffic condition, the CH Commercial Highway Services District is most appropriate for the location.

Respectfully we recommend that the proposed CH Zoning be approved.

If you use this form to comment, it may be returned to:  
City of Austin  
Neighborhood Planning and Zoning Department  
Wendy Walsh  
P. O. Box 1088  
Austin, TX 78767-8810

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE  
2 PROPERTY LOCATED AT 1203 BASTROP HIGHWAY AND CHANGING THE  
3 ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT,  
4 INTERIM SINGLE FAMILY RESIDENCE STANDARD LOT (I-SF-2) DISTRICT  
5 AND GENERAL COMMERCIAL SERVICES (CS) DISTRICT TO GENERAL  
6 COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-CO) COMBINING  
7 DISTRICT.

8  
9 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

10  
11 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to  
12 change the base district from interim rural residence (I-RR) district, interim single family  
13 residence standard lot (I-SF-2) district and general commercial services (CS) district to  
14 general commercial services-conditional overlay (CS-CO) combining district on the  
15 property described in Zoning Case No. C14-06-0153, on file at the Neighborhood Planning  
16 and Zoning Department, as follows:

17  
18 A 6.322 acre tract of land, more or less, out of the Santiago del Valle Ten League  
19 Grant, Abstract No. 24, Travis County, the tract of land being more particularly  
20 described by metes and bounds in Exhibit "A" incorporated into this ordinance (the  
21 "Property"),

22  
23 locally known as 1203 Bastrop Highway in the City of Austin, Travis County, Texas, and  
24 generally identified in the map attached as Exhibit "B".

25  
26 **PART 2.** The Property within the boundaries of the conditional overlay combining district  
27 established by this ordinance is subject to the following conditions:

28  
29 A site plan or building permit for the Property may not be approved, released, or  
30 issued, if the completed development or uses of the Property, considered cumulatively with  
31 all existing or previously authorized development and uses, generate traffic that exceeds  
32 2,000 trips per day.

33  
34 Except as specifically restricted under this ordinance, the Property may be developed and  
35 used in accordance with the regulations established for the general commercial services  
36 (CS) base district and other applicable requirements of the City Code.

1 **PART 3.** This ordinance takes effect on \_\_\_\_\_, 2006.

2  
3 **PASSED AND APPROVED**

4  
5  
6 \_\_\_\_\_, 2006

7 §  
8 §  
9 §

10 Will Wynn  
11 Mayor

12 **APPROVED:** \_\_\_\_\_  
13 David Allan Smith  
14 City Attorney

15 **ATTEST:** \_\_\_\_\_  
Shirley A. Gentry  
City Clerk

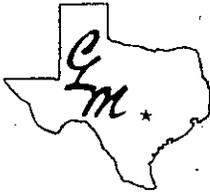


Exhibit "A"

**LEGAL DESCRIPTION**

DESCRIPTION OF A 6.322 ACRE TRACT OF LAND OUT OF THE SANTIAGO DEL VALLE TEN LEAGUE GRANT, ABSTRACT NO. 24 IN TRAVIS COUNTY, TEXAS, AS CONVEYED TO THE UNITED PENTECOSTAL CHURCH BY 1) A 3.0 ACRE TRACT RECORDED IN VOLUME 4377, PAGE 106, DEED RECORDS OF TRAVIS COUNTY, TEXAS, 2) A 2.983 ACRE TRACT RECORDED IN VOLUME 10129, PAGE 590, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; AND 3) A 0.333 ACRE TRACT RECORDED IN VOLUME 10129, PAGE 593, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 6.322 ACRE TRACT AS SHOWN ON THE ACCOMPANYING SKETCH, IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1" axle found on the northeast right-of-way line of U.S. Highway 183 (Old Bastrop Highway), a varying width right-of-way, at the west corner of said 3.0 acre tract and at the south corner of a 5.762 acre tract described in a deed to Jonathan J. Weinstein, recorded in Volume 8338, Page 553, Deed Records of Travis County, Texas, for the west corner of this tract;

**THENCE**, N42°19'28"E, with the northwest line of said 3.0 acre tract, the northwest line of said 0.333 acre tract, and the southeast line of said 5.762 acre tract, a distance of 515.10 feet to a 1/2" iron rod found at the north corner of said 0.333 acre tract and at an exterior corner of a 60.289 acre tract described in a deed to Betty Hill Cook, recorded in Volume 13317, Page 63, Real Property Records of Travis County, Texas, for the north corner of this tract;

**THENCE**, S27°46'05"E, with the northeast line of said 0.333 acre tract and the most northerly southwest line of said 60.289 acre tract, at 300.95 feet, pass a 1/2" iron rod found at the south corner of said 0.333 acre tract, at the east corner of said 3.0 acre tract, and at the north corner of said 2.983 acre tract, and continuing with the northeast line of said 2.983 acre tract and the most northerly southwest line of said 60.289 acre tract, a total distance of 656.04 feet to a 1/2" iron rod found at the east corner of said 2.983 acre tract and at an interior corner of said 60.289 acre tract, for the east corner of this tract;

**THENCE**, S62°13'53"W, with the southeast line of said 2.983 acre tract and the most southerly northwest line of said 60.289 acre tract, a distance of 484.92 feet to a 1/2" iron rod found on the northeast right-of-way line of U.S. Highway 183, at the south corner of said 2.983 acre tract and at an exterior corner of said 60.289 acre tract, for the south corner of this tract;

**THENCE**, N27°41'45"W, with northeast right-of-way line of U.S. Highway 183, the southwest line of said 2.983 acre tract, and the southwest line of said 3.0 acre tract, a distance of 480.65 feet to the **POINT OF BEGINNING** and containing 6.322 acres of land.

**BEARING BASIS NOTE**

Bearings are based on the Texas State Plane Coordinate System, Central Zone, North American Datum of 1983. Distances are adjusted to surface. Scale Factor to convert to grid = 0.9994818

STATE OF TEXAS     §  
                              §  
COUNTY OF TRAVIS   §

KNOW ALL MEN BY THESE PRESENTS:

That I, Gregorio Lopez, Jr., a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this 16<sup>th</sup> day of January, 2006, A.D.



*Gregorio Lopez, Jr.*  
\_\_\_\_\_  
Gregorio Lopez, Jr.  
Registered Professional Land Surveyor  
No.5272 - State of Texas

MACIAS & ASSOCIATES, INC.  
5410 South 1<sup>st</sup> Street  
Austin, Texas 78745

**REFERENCES**

- Volume 4377, Page 106, Deed Records of Travis County, Texas
- Volume 10129, Page 590, Real Property Records of Travis County, Texas
- Volume 10129, Page 593, Real Property Records of Travis County, Texas
- Volume 13317, Page 63, Real Property Records of Travis County, Texas
- MAPSCO 2003 646c
- Austin Grid No. M-18
- TCAD Parcel ID. No. 03-0721-05-27
- MACIAS AND ASSOCIATES, INC. PROJ. NO. 329-48-06

